

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARY ALICE REYNOLDS,
a/k/a "MARY YAKMOTO,"
a/k/a "MARY BEANE,"
a/k/a "MARY BELL,"

Defendant.

Case No. CR05-5562 RBL

ORDER


THIS MATTER comes on before the above-entitled Court upon Defendant's Motion pursuant to 28 U.S.C. § 2255,

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The defendant has presented to the Court for filing a motion pursuant to 28 U.S.C. § 2255. Motions under § 2255 are only available to persons who are "in custody under a sentence of a [federal] court." The defendant has yet to be convicted, much less sentenced, on the charges pending before this Court. Furthermore, on September 15, 2005, this Court entered an order requiring that the defendant be examined pursuant to 18 U.S.C. § 4241(a) to determine her competency to proceed in this matter. Therefore, in order to protect the defendant's rights, the Clerk is directed to lodge this document in the criminal file, and is directed not to open a civil case based upon this purported motion under 28 U.S. § 2255. Any consideration of this motion will be stayed pending the outcome of defendant's competency examination.

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
2 pro se.

3 Dated this 19th day of September, 2005.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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